

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JACQUELINE SILVER,

Plaintiff,

-against-

SERGEANT SCOTT DALESSANDRO, POLICE  
OFFICER LUIGI GALANO, POLICE OFFICER  
NICHOLAS KOSTAS, and POLICE OFFICER EDWARD  
STINE,

Defendants.  
----- X

**DECLARATION OF  
KAITLIN FITZGIBBON, IN  
SUPPORT OF CITY  
DEFENDANTS' MOTION TO  
DISMISS**

15 CV 3462 (ARR) (ST)

**KAITLIN FITZGIBBON**, an attorney duly admitted to practice in the State of New York, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and attorney for defendants Sergeant Scott Dalessandro, Officer Luigi Galano, Officer Nicholas Kostas, and Officer Edward Stine ("Defendants") in the above-referenced action. As such, I am familiar with the facts stated below and submit this declaration to place the relevant documents on the record in support of Defendants' motion to dismiss the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit "A" is a copy of Plaintiff's Complaint filed on May 27, 2015, in the United States District Court for the Eastern District of New York. The claims in the Complaint are subject to dismissal because: (1) plaintiff's excessive force and false imprisonment claims against the Doe defendants are barred by the statute of limitations; (2)

plaintiff's claims against the defendants do not relate back to the filing of the original complaint under Federal Rule of Civil Procedure 15(c)(1)(C); and (3) plaintiff's claims against the defendants do not relate back to the filing of the original complaint under Federal Rule of Civil Procedure 15(c)(1)(A).

Dated: New York, New York  
December 14, 2016

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
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By: \_\_\_\_\_  
Kaitlin Fitzgibbon  
Assistant Corporation Counsel  
Special Federal Litigation Division

To: **BY FIRST CLASS MAIL AND EMAIL**  
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